

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JORGE FONSECA and REYES ANDON on behalf
of themselves and others similarly situated,

Plaintiffs,

-against-

DIRCKSEN & TALLEYRAND INC. d/b/a RIVER
CAFE and MICHAEL “BUZZY” O’KEEFE,

Defendants.

Index No. 13-CV-5124 (AT)

DECLARATION OF
CRAIG R. BENSON IN OPPOSITION
TO PLAINTIFFS’ MOTION FOR
CLASS CERTIFICATION

CRAIG R. BENSON, an attorney admitted to practice before this Court, hereby declares
as follows under penalties of perjury:

1. I am a shareholder with the firm Littler Mendelson, P.C., attorneys for Defendants
Dircksen & Talleyrand Inc. d/b/a The River Café and Michael O’Keeffe (“Defendants”).

2. I submit this Declaration to place before the Court certain documents in support
of Defendants’ Opposition to Plaintiffs’ Motion for Class Certification under Rule 23 of the
Federal Rules of Civil Procedure (“Plaintiffs’ Motion”).

3. Attached hereto as **Exhibit A** is a true and correct copy of the Declaration of
Richard Dean.

4. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of Scott
Stamford.

5. Attached hereto as **Exhibit C** is a true and correct copy of documents bates
numbered D000526-D000569 which are produced copies of W-2 forms for Reyes Andon, Jorge
Fonseca, Laurencio Cordova, Mark Ferruccio, Stephane Filippi, Galil Gertner, Mark James,
Jordan Kanev, Roger Lopez, Marvin Navarro, Ulises Ramirez, Geoffrey Schuppert and Frailyn
Tejada.

6. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the transcript of the deposition of Brendan McGinn.

7. Attached hereto as **Exhibit E** is a true and correct copy of the New York Department of Labor Opinion Letter, dated February 13, 2009.

8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the transcript of the deposition of Reyes Andon.

9. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the transcript of the deposition of Geoff Schuppert.

10. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the transcript of the deposition of Laurencio Cordova.

Dated: New York, New York
October 31, 2014

Respectfully Submitted,

LITTLER MENDELSON, P.C.

By:

/s/ Craig R. Benson
Craig R. Benson
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Attorneys for Defendants